

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 613

6
7 H.P. 433

House of Representatives, February 19, 1985

8 Reference to the Committee on Utilities suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Small of Bath.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Provide Utility Easement by
18 Implication.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 33 MRSA c. 32 is enacted to read:

23 CHAPTER 32

24 UTILITY EASEMENTS BY IMPLICATION

25 §1651. Utility easements by implication

26 The owner or owners of real estate abutting on a
27 private way who have by deed existing rights of in-
28 gress and egress upon that way or other private ways
29 shall have the right by implication to place, install
30 or construct in, on, along, under and upon that pri-
31 vate way or other private ways, poles, pipes, con-
32 duits, manholes and other appurtenances necessary for

1 the transmission of gas, electricity and telephone
2 service, provided that those facilities do not unrea-
3 sonably obstruct the private way or other private
4 ways and provided that the use of the private way or
5 other private ways does not interfere with or is not
6 inconsistent with the existing use by others of that
7 way or other private ways; and provided that the
8 placement, installation or construction is done in
9 accordance with rules, plans and practices of the
10 utility company which is to provide the service. Any
11 such owner or owners may grant permission to a public
12 utility company or companies to enter upon that way
13 or other private ways to place, install, repair or
14 relocate poles, pipes, conduits, manholes and other
15 necessary appurtenances for the transmission of gas,
16 electricity or telephone service in accordance with
17 company rules, practices and tariffs filed with the
18 Public Utilities Commission. Neither the person in-
19 stalling or repairing public utility facilities, the
20 facilities nor the gas, electricity or telephone ser-
21 vice transmitted may be deemed to constitute a tres-
22 pass upon the way or ways.

23 STATEMENT OF FACT

24 The purpose of this bill is to provide for utili-
25 ty easements by implication.

26 This bill allows property owners to run utilities
27 along private rights of way.

28 1146012885